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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9
10 CHINA ENERGY CORPORATION, a
Nevada Corporation,

11 Plaintiff,

12 vs.

13 ALAN T. HILL, et al.,

14 Defendants.

15 ELENA SAMMONS and
16 MICHAEL SAMMONS,

17 Third-Party Plaintiffs,

18 vs.

19 CEDE & CO., et al.,

20 Third-Party Defendants.

Case No. 3:13-cv-00562-MMD-(VPC)

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STIPULATION OF THIRD-PARTY
DEFENDANTS CEDE & CO. AND
THE DEPOSITORY TRUST
COMPANY AND THIRD-PARTY
PLAINTIFFS ELENA SAMMONS
AND MICHAEL SAMMONS FOR
EXTENSION OF TIME AND
OTHER RELIEF PURSUANT TO
LR 6-1, 6-2, AND 16-1(d) (FIRST
REQUEST)

AND

[PROPOSED] ORDER

1 Third-Party Defendants Cede & Co. (“Cede”) and The Depository Trust Company
2 (“DTC”) (together, the “DTC Defendants”), by and through their attorneys of record, and
3 Third-Party Plaintiffs Elena Sammons and Michael Sammons, in pro per, stipulate as
4 follows:

5 Third-Party Plaintiffs Elena Sammons and Michael Sammons filed their First
6 Amended Third-Party Complaint (the “FAC”) (Doc. #128) against the DTC Defendants on
7 January 29, 2014. The DTC Defendants filed a Motion to Dismiss and/or Strike the FAC
8 (the “MTD”) (Doc. #152) on February 20, 2014. Third-Party Plaintiffs filed a Response to
9 the MTD (the “Response”) (Doc. #156) on February 21, 2014 and the Court set March 3,
10 2014 as the date for the DTC Defendants to file their Reply to the Response (the “Reply”).
11 Later that same day, the Court entered a Minute Order (Doc. #157) regarding the
12 requirements of *Klinge v. Eikenberry* and *Rand v. Rowland* as to the MTD.

13 On February 24, 2014, Third-Party Plaintiffs filed a Motion to Withdraw the
14 Response (the “Withdrawal Motion”) (Doc. #160). The DTC Defendants’ Opposition to the
15 Withdrawal Motion (the “Opposition”) is due March 13, 2014.

16 On March 3, 2014, the DTC Defendants filed the Reply (Doc. #171). Third-Party
17 Plaintiffs then filed an Amended Response to the MTD (the “Amended Response”) on March
18 4, 2014 (Doc. #172).

19 The DTC Defendants intend to file the Opposition to the Withdrawal Motion (Doc.
20 #160), after which Third-Party Plaintiffs may file a Reply. It is uncertain how long it may
21 take the Court to rule on the Withdrawal Motion. The DTC Defendants and Third-Party
22 Plaintiffs respectfully disagree regarding whether the Amended Response (Doc. #172) should
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1 be withdrawn pending the Court's ruling on the Withdrawal Motion (Doc. #160). The DTC
2 Defendants are admittedly confused as to whether they should proceed to file a second
3 "Reply" in support of the MTD, this time in response to the Third-Party Plaintiffs' Amended
4 Response, which directly addresses arguments raised in the Reply (Doc. #172).

5 The DTC Defendants and Third-Party Plaintiffs are mindful of the Court's busy
6 docket, and wish to avoid the filing of unnecessary or duplicative motions, oppositions, and
7 replies. Therefore, they respectfully stipulate as follows, subject to the Court's approval and
8 order:

9 1. the DTC Defendants and Third-Party Plaintiffs stipulate and request that the
10 Magistrate Judge place the above-described issue on the agenda for the scheduled March 21,
11 2014 Status Conference so that the Court and the parties may discuss the most efficient
12 manner to address and clarify the situation;

13 2. the DTC Defendants and Third-Party Plaintiffs stipulate and request that the
14 due date for the Opposition to the Withdrawal Motion (Doc. #160) be continued until April
15 4, 2014, which is two weeks after the March 21, 2014 Status Conference;

16 3. the DTC Defendants and Third-Party Plaintiffs stipulate and request that the
17 due date for the DTC Defendants' Reply (if one is ultimately necessary) to the Amended
18 Response (Doc. #172) be continued until April 4, 2014, which is two weeks after the March
19 21, 2014 Status Conference.

20 The DTC Defendants, in submitting this stipulation and request, reserve all of their
21 rights, including their rights with respect to the pending MTD on the basis of lack of personal
22 jurisdiction.

1 Dated: March 7, 2014.

2 By: 

3 Daniel T. Hayward, Esq.
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5 Laxalt & Nomura, Ltd.
6 9600 Gateway Drive
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8 *Attorneys for Third-Party Defendants*
9 *Cede & Co., and The Depository Trust Company*

6 Dated: March 7, 2014.

7 By: 

8 Elena Sammons, in pro per
9

10 Dated: March 7, 2014.

11 By: 

12 Michael Sammons, in pro per
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[PROPOSED] ORDER

Pursuant to the stipulation of Third-Party Plaintiffs Elena Sammons and Michael Sammons, and Third-Party Defendants Cede & Co. and The Depository Trust Company (the "DTC Defendants"), and good cause appearing therefore, it is hereby ordered that the foregoing issues shall be discussed during the March 21, 2014 Status Conference, that the DTC Defendants shall have until and including April 4, 2014 by which to file their Opposition to Third-Party Plaintiffs' Motion to Withdraw Response to Motion to Dismiss or Strike (Doc. #160) and Reply (if one is ultimately necessary) to the Third-Party Plaintiffs' March 4, 2014 Response to Motion to Dismiss and/or Strike (Doc. #172).

IT IS SO ORDERED.

By: _____
UNITED STATES MAGISTRATE JUDGE

DATED: March ____, 2014

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this 7th day of March, 2014, I caused to be served a true and correct copy of the forgoing by method indicated

XX by Court's CM/ECF Program

And addressed to the following:

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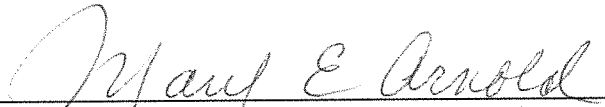
7 And by U.S. Mail to Pro Se Parties addressed as follows:

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19 
20 An employee of Laxalt & Nomura, Ltd.
21
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23
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